

S/N: 10/770,888
Reply to Office Action of August 14, 2006

Atty Dkt No. NTS 0102 PUS

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Remarks

Applicant appreciates the courtesies and kind attention provided by Examiners Michael Talbot and Dan Howell during the telephonic interview of October 3, 2006.

Claims 1-32 are pending in the application, of which claims 1-32 are rejected.

Claim Rejections - 35 U.S.C. § 112

Claim 32 has been rejected under 35 U.S.C. § 112, first paragraph. In order to facilitate allowance of the application, claim 32 has been canceled by this paper.

Claim Rejections - 35 U.S.C. § 102

**Rejection of Claims 1-6, 9, 10,
13, 14, 16-24 and 27-32 By Yeo**

The Examiner has rejected claims 1-6, 9, 10, 13, 14, 16-24 and 27-32 under 35 U.S.C. § 102(b) as being anticipated by Yeo '316. Applicant maintains its position that Yeo fails to teach or disclose a reamer as claimed. Rather Yeo discloses an end mill and a router drill, which are both incapable of performing the cutting operation claimed. In the prior amendment, applicant added a tolerance limitation of "at least 0.001 inches" to independent claims 1, 28 and 29. In the non-final office action of August 14, 2006, the Examiner responded to the tolerance limitations by stating:

These phrases do not provide any additional structure enabling the claimed invention to overcome the referenced prior art, but merely provide finished specifications that are dependent upon, at a minimum, the operator, the method used by the operator to perform the operation, and the condition of the rotary tool during use.

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Referring to independent claims 1, 28 and 29, these claims are amended to include the limitations of dependent claim 6. Amended claims 1, 28 and 29 require "at least one cylindrical margin formed thereabout for providing bearing support to the reamer within the hole being formed." As discussed in the interview, this limitation provides the additional structure enabling the claimed invention to improve tolerances to "at least 0.001 inches" as claimed.

As agreed upon in the interview, Yeo does not teach cylindrical margins as claimed and therefore amended claims 1, 28 and 29 are not anticipated by Yeo. In the non-final office action of August 14, 2006, the Examiner refers to lands 20, 22, 42 of Yeo as being cylindrical margins. However, as discussed in the interview, Yeo fails to disclose that the lands provide bearing support. Since Figure 1 of Yeo illustrates clearance between the lands 20, 22, 42 and the hole being formed, then the lands 20, 22, 42 cannot provide bearing support. Moreover, Yeo is not a reamer with the limitations claimed and therefore claims 1, 28 and 29 are not anticipated by Yeo.

Claims 1, 28 and 29 have been further amended, as requested by the Examiner, so that the improved tolerance is recited as "a range of at least 0.001 inches" to correspond with the disclosure of the specification.

Claims 2-5, 9, 10, 13, 14, 16-24, 27, 30 and 31 depend from claim 1 and therefore are not anticipated for at least the reasons stated above with reference to claim 1.

Claim 6 has been canceled by this paper.

Claims 9 and 10 have been amended to avoid improper antecedent basis due to the amendment of claim 1.

Claim 32 has been canceled by this paper.

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Rejection of Claims 1-10, 13 and 18-32 Over Serwa

The Examiner has rejected claims 1-10, 13 and 18-32 under 35 U.S.C. § 102(b) as being anticipated by Serwa 2002/0090273. Applicant maintains its position that Serwa fails to teach or disclose a reamer as claimed. Rather Serwa discloses a router bit, which is incapable of performing the cutting operation claimed. In the prior amendment, applicant added a tolerance limitation of "at least 0.001 inches" to independent claims 1, 28 and 29. As discussed above, the Examiner did not find that this limitation alone overcame the rejections.

Referring to independent claims 1, 28 and 29, these claims are amended to include the limitations of dependent claim 6. Amended claims 1, 28 and 29 require "at least one cylindrical margin formed thereabout for providing bearing support to the reamer within the hole being formed." As discussed in the interview, this limitation provides the additional structure enabling the claimed invention to improve tolerances to "at least 0.001 inches" as claimed.

As agreed upon in the interview, Serwa does not teach cylindrical margins as claimed and therefore amended claims 1, 28 and 29 are not anticipated by Yeo. In the non-final office action of August 14, 2006, the Examiner refers to a "not indexed" portion of Figures 2 and 3 of Serwa as being a cylindrical margin. However, as discussed in the interview, Serwa fails to disclose cylindrical margins or bearing support. Moreover, Serwa is not a reamer with the limitations claimed and therefore claims 1, 28 and 29 are not anticipated by Serwa.

Claims 2-5, 7-10, 13, 18-27 and 31 depend from claim 1 and therefore are not anticipated for at least the reasons stated above with reference to claim 1.

Claims 6 and 32 have been canceled by this paper.

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Claim Rejections - 35 U.S.C. § 103(a)

**Rejection of Claim 11 As Being
Unpatentable Over Yeo In View of Reynolds**

The Examiner has rejected claim 11 as being unpatentable over Yeo '316 in view of Reynolds et al. '458. However, claim 11 depends from claim 1, which has been amended to overcome the rejection over Yeo and therefore, the combination of Yeo and Reynolds et al. fails to teach or suggest all of the limitations of claim 11.

**Rejection of Claim 12 As Being
Unpatentable Over Yeo In View of Magill et al.**

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Yeo '316 in view of Magill et al. '712. Claim 12 depends from claim 1, which has been amended to overcome the rejection over Yeo. Thus, the combination of Yeo and Magill et al. fails to teach or suggest all of the claim limitations of claim 12.

**Rejection of Claim 15 As Being
Unpatentable Over Yeo In View of Miller**

The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Yeo '316 in view of Miller '487. Claim 15 depends from claim 1, which has been amended to overcome the rejection over Yeo. Therefore, the combination of Yeo '316 in view of Miller '487 fails to teach or suggest all of the limitations of claim 15.

New Claims

Applicant has added new claims 33-35 to claim further narrow limitations of the cylindrical margin that has been added to claim 1. Additionally, new claims 36-38 have been added to depend from claim 28, which are copies of dependent claims 9, 10 and 33.

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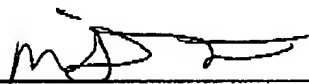
Conclusion

Once again, Applicant appreciates the opportunity of the telephonic interview of October 3, 2006, with Examiners Michael Talbot and Dan Howell. As stated above, the amended claims overcome the rejections over Yeo and Serwa as agreed in the interview. Accordingly, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

Respectfully submitted,

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By



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Date:

10/11/06

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